

**W44**

**DATE:** July 26, 2002

**GENERAL INFORMATION:**

<b>RECOMMENDATION:</b>	Conditional approval
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**EXISTING LAND USE:** Multiple-family residence (6 units).

**SURROUNDING LAND USE AND ZONING:** Single-family residential and multiple-family residential, zoned R-6, north, south, west, zoned R-5, east.

**HISTORY:** The subject property was designated an individual landmark in association with a special permit request in 1984. The special permit, to operate a restaurant in the house, as not approved, but the landmark designation was made. The house was included as a contributing property within the first landmark district designated by the City in 1981 (Mount Emerald Landmark District). Constructed in 1907, the Grainger House was maintained as a single-family residence until the 1950's when it was converted into six (6) units.

**ANALYSIS:**

1. This is a request to use the 2 ½ story building at 1970 “B” Street, the Joseph Grainger House, as a two (2) suite “Bed and Breakfast” with the property-owners also using the building as their residence and renting three apartments, under a special permit for historic preservation. The existing property was designated as a local landmark in 1984, Ordinance no. 13960. It is located in the Mount Emerald area of the Near South Neighborhood. Mount Emerald Historic District was listed on the National Register of Historic Places in 1980. Most of the National Register District was designated as local landmark districts in 1981 and 1983.
2. Lincoln Municipal Code Section 27.63.400 states, in part:  
*In any zoning district a special permit may be granted to allow the preservation of a historic structure or site and the reuse thereof. This permit shall be limited to structures or sites designated as landmarks under Chapter 27.57.*  
*(a) The City Council may approve, by special permit, any use of a historic structure or site in any zoning district after review and consideration of the following:*
  - (1) The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district;*
  - (2) The extent to which economic factors necessitate the change in use;*
  - (3) The extent of proposed exterior change to the structure or site;*
  - (4) The impact on the surrounding area;*
  - (5) The compatibility of the proposed use to the structure or site and the surrounding area; and*

(6) *The manner in which the public will be benefitted by such proposed use.*

3. The first consideration of 27.63.400--the significance of the structure, appears amply met. The landmark application for the Joseph Grainger House (1970 "B" Street) states in part:

*The house is a fine example, nearly unaltered, of a large home built in the early 20<sup>th</sup> century by a prominent businessman for his family and servants. It occupies the site of the John Fitzgerald mansion, a much larger lot than any in this historic district, except the Phillips and Leonard houses. The setting with open space and the large variety of trees, make it unusual, if not unique for houses of the period....*

4. Regarding the second point for consideration raised by 27.63.400--the degree of variation between the requested use and uses allowed in the district--the degree might be described as modest. The proposed continuation of residential use at 1970 "B" St. is allowed in the R-6 Residential District. The proposed Bed and Breakfast use would not be allowed without a special permit.

The R-6 district is described as in the zoning code "a redeveloping area of comparatively high density residential use" which in addition to houses, duplexes, and apartments, allows fraternities and sororities, private clubs, and apartment hotels. Accommodation of transient guests in a bed and breakfast facility is regarded as a commercial rather than residential use, but resembles a short-term residential use. The subject property had previously been divided into six apartments. The change to the use as four residential units plus two bed and breakfast suites is comparable in density. Also, the current R-6 zoning of the subject property and the 150' by 142' lot could potentially accommodate an additional multi-unit building.

The proposal does not request use of the house for special events.

5. The applicants indirectly address the degree to which economic factors necessitate the proposed change by suggesting that revenues from the proposed use would "help defray the sizable costs of maintaining a structure of this size and age in an appropriate manner and allow the completion of the building sprinkler system, and remaining details and gardening projects."
6. The extent of proposed exterior changes for the two B&B suites is modest. An additional doorway would be created at the second floor level in the north (rear) wall accessing the existing fire escape. Approval of this change is recommended by the Historic Preservation Commission. A non-illuminated sign has been requested

by the applicant, for the southeast corner of the property. The Historic Preservation Commission recommended authorization of a sign at this location, conditioned upon approval by the Commission of a "Certificate of Appropriateness."

The applicant proposed addition of a new fire escape on the west side of the house to accommodate a third B&B suite. The Commission did not recommend approval of this fire escape or the associated third suite, but instead recommended the project begin with two suites, as requested. The proposed fire escape (design enclosed) was not found appropriate in its impact on historic features of the house.

Another exterior modification to the rear (north) facade, in the form of a second story addition and another fire-escape stairs on the northwest corner, was discussed in concept with the Commission but has not been designed nor has it been acted upon.

7. Parking is proposed to be accommodated on existing pavement along the alley. Approximately six stalls appear to be available, but a requirement from Public Works that the parking plans should be dimensioned has not yet been met.
8. The Historic Preservation Commission reviewed proposals from Mr. McCulley beginning in March, 2002 and made recommendations toward a complete application. On July 18, 2002 the Preservation Commission recommended approval of two B&B suites and a non-illuminated sign at the southeast corner of the property, with a condition that prior to installation the sign be reviewed and approved under the Certificate of Appropriateness procedure.
9. The *2025 Comprehensive Plan* acknowledges "The city...offers limited assistance through regulatory or financial incentives, such as special permits for innovative uses of landmarks," while noting that "most preservation work must be carried out by individual property owners, and this plan recognizes the central role of private property owners." (P. E82). Furthermore, the *Plan* calls for "incentives and regulatory support for the rehabilitation of existing buildings in order to make it more feasible to rehabilitate and continue to use older buildings." (P. F136)

**Recommended finding:** 1) The proposed Bed & Breakfast use appears to be comparable in intensity to the use currently permitted by right in the house, and is less intensive than further development of housing on the site which the R-6 zoning would permit by right.  
2) Owner-occupancy and heightened maintenance of the house and yard are desirable, as is opening the interior to semi-public access.

3) The request conforms with the purposes of Chapter 27.57 of the zoning code and with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

That the Commission recommend approval (with conditions) of use of the house for two Bed and Breakfast suites and four apartments to the City Council, reserving review by Historic Preservation Commission of a Certificate of Appropriateness for any signs or other exterior modifications.

**CONDITIONS:**

Site Specific:

1. This approval permits the use of the Joseph Granger House as a two (2) suite Bed and Breakfast, plus four dwelling units (apartments).
2. A revised site plan dimensioning the parking stalls shall be submitted prior to scheduling of public hearing before City Council.
3. Signs for the landmark must receive a Certificate of Appropriateness from the Historic Preservation Commission prior to installation.

General:

4. The construction plans shall comply with the approved plans.

**STANDARD CONDITIONS:**

5. The following conditions are applicable to all requests:
  - 5.1 Before occupying the Bed & Breakfast suites, all development and construction shall have been completed in compliance with the approved plans.
  - 5.2 All privately-owned improvements shall be permanently maintained by the owner.
  - 5.3 The site plan accompanying this permit, approved by the City Council represents the official approved permit, and shall be the basis for all

interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, etc.

- 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 5.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

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Edward F. Zimmer, Ph.D.  
Planner II

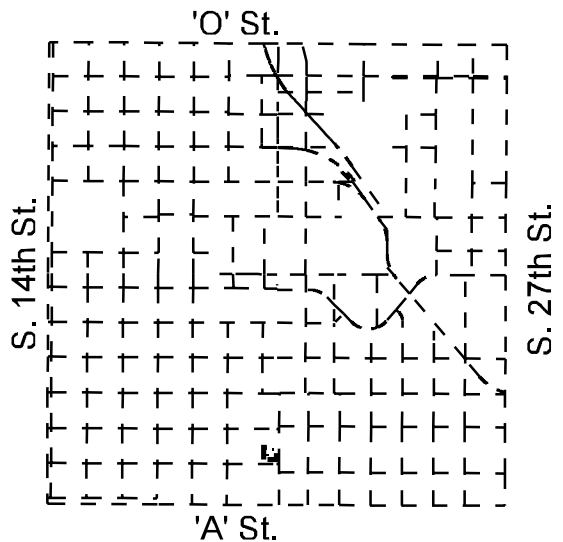
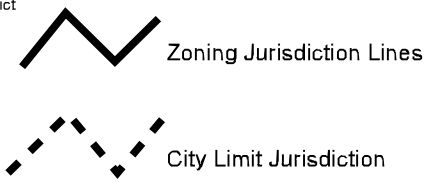


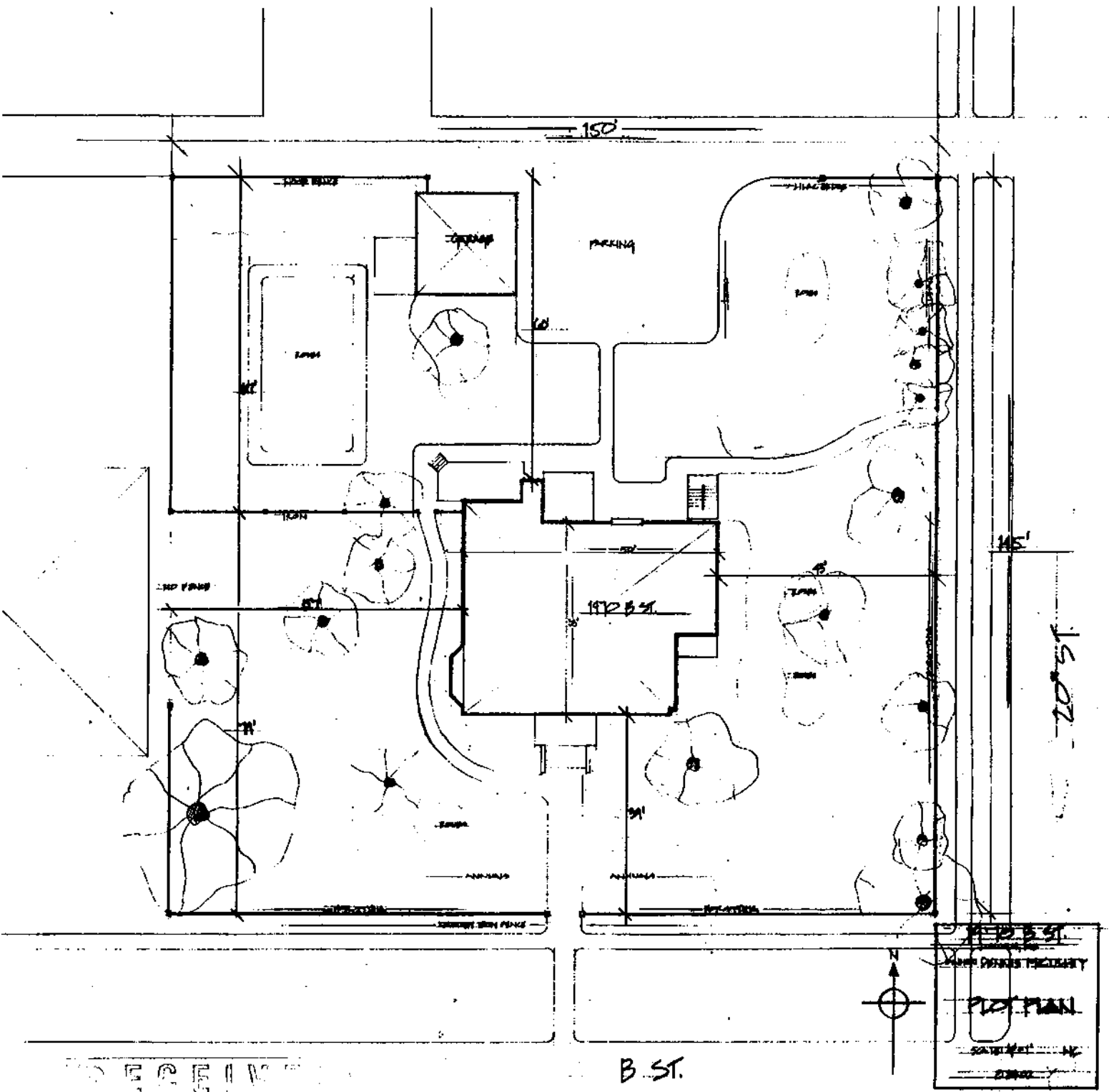
# **Change of Zone #HP72** **Special Permit #1966** **S. 20th & 'B' St.**

## **Zoning:**

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
 Sec. 25 T10N R6E





MAR 14 2002

LANCASHIRE CITY/LANCASTER CITY  
PLANNING DEPARTMENT



July 15, 2002  
**AMENDMENT TO THE  
TO SPECIAL PERMIT  
APPENDUM "A"**

**To Application for Special Permit For "New Name"**  
**"A HOME AWAY FROM HOME"**  
**GRAINGER HOUSE - BED AND BREAKFAST**  
**For 1970 B Street, Lincoln, Ne. 68502**

**Item 1:** The attached Exhibit "1" presents a site plan for the subject property showing the location of all existing structures. Exhibit "2" presents the interior of the subject property showing all rooms. Owner requests: (1) approval of a two suite Bed and Breakfast. (2) Upon completion of drawings for fire exit to 2<sup>nd</sup> floor south-west unit, a request will be made for a third suite; and ... (3) There will also be a future request for the expansion of the "maids" quarters on the north-west corner of the second floor. This expansion will enlarge that bedroom toward the rear of the house, and will include a fire exit off the back to the rear yard. This exit will begin approximately in the middle of the house, and go north down to the ground. This expanded bedroom will become McCulley's bedroom. The addition to the maids room will be stucco to match the second floor of the current building; and will be 15' by 15'.

No other changes are planned at this time for the building or grounds except for the proposed signage as discussed in item 5 below. A landscaping plan has also been attached for review as exhibit "3" with attachments. The landscaping plan will be essentially completed over a twelve-month period. The anticipated landscaping will provide excellent screening from the street for the off-street parking area and for the additional fire exits.

The "new" name will be "A HOME AWAY FROM HOME" - GRAINGER HOUSE - BED AND BREAKFAST, replacing The Grainger House Bed and Breakfast.

**Item 2:** Parking will be available at the subject property as stated above, next to the garage. The garage can hold one car, and there are currently four additional parking spaces. All parking stalls will be marked within correct dimensions and regulations.

It should be noted that the six apartments which were previously located in this house generated a potential need for as many as 8-10 cars, located primarily on 20<sup>th</sup> street and on B street on a day-in/-out basis. Over-night guests allowed under the proposed special permit will be utilizing the off-street parking areas and will not create any street parking problems.

**Item 3:** No significant modifications of the existing site or exterior structures, other than those stated in item 1, and 5 are necessary to carry out the intended use requested by this special permit.

**Item 4:** Constructed in 1910, the subject property was maintained as a single-family residence until the 1950's when it was converted into six (6) units with the owner living in one of the units. The current owners, the McCulley's, will be living in the subject property beginning June 1<sup>st</sup>, 2002; in the first floor Unit #1, second floor Unit #3 will continue to be used as an apartment unit until approval for fire exit is made; basement Units #5, and #6 will remain as apartments. Unit #4 will be the first unit converted to a B & B January 1, 2003; and when demand

as an apartment until such time. The property is currently licensed for 6 units and will continue to have Units 2, 3, 5, 6 as apartments; with the owners unit being part of the B & B. ..

**Item 5:** The special permit application includes a request for a proposed business sign to be located at the corner of 20<sup>th</sup> & B. The requested sign will be hung on a 8' high fence/gate post.. There will be a double sided sign hanging from the old gate post. The B & B portion of the sign will not be lighted, and will simply say: (see attached sign exhibit)

**Item 6:** The current R-6 zoning of the subject property and the one-hundred-fifty by one-hundred-forty-two foot lot could potentially accommodate an additional six (6) unit building as an addition to the current building. The current R-6 zoning shall be retained and if property is withdrawn for use as a B & B the grand-fathered R-6 zoning shall remain. This building could be added to; and could accommodate a total of nineteen (19) units. However, at this time, the current owners prefer not to take this approach on the property. They would prefer to improve, preserve and protect the unique characteristics of one of Lincoln's unique 19<sup>th</sup> century homes. The Bed and Breakfast will consist of three suites total, or a total of five to six bedrooms.

Permitting the use of this house as four suites and/or five bedroom, Bed and Breakfast will benefit both the building and the City. Revenue generated by this usage will help to defray the sizable costs of maintaining a structure of this size and age in an appropriate manner and allow completion of the building sprinkler system, and remaining details and gardening projects. The community will benefit from the opportunity to enjoy an extraordinary private home which would typically not be open to the public.

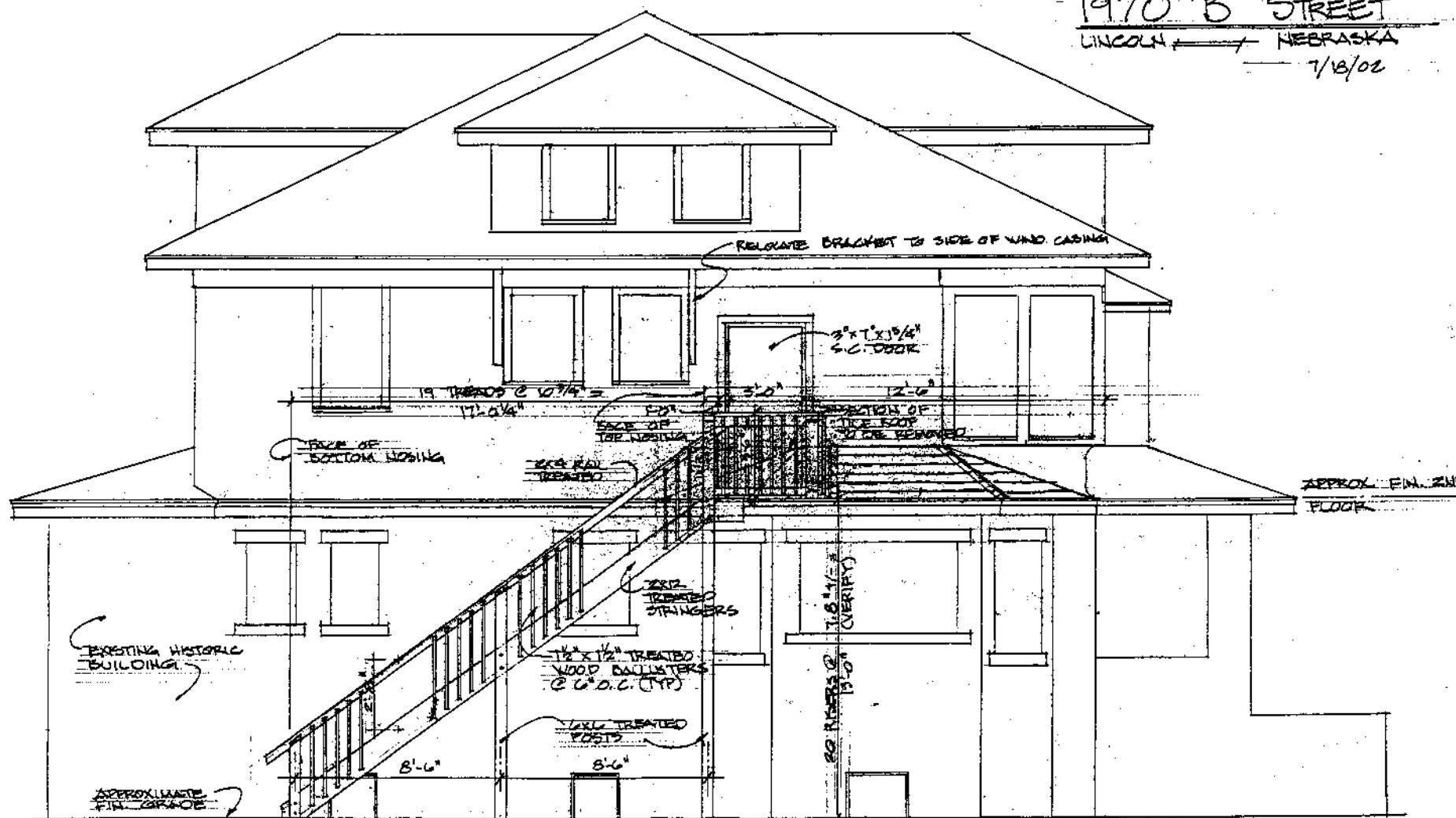
**Fire Exit** – A request will be made for an additional fire exit out of the addition to the maids room out the back or rear of the building; and one out of the southwest side of the house. The fire exit out of the west side will come straight down the side of the house, and will cover the two current air conditioners. In addition there will be a roses growing up the side of this fire exit.

Finally, McCulley would initially offer one unit in Unit #4; with the later expansion to Unit #2 on the second floor. Unit #3 will depend on the approval of the fire exit out of the southwest side of the house.. The expansion of the maids room will allow for an owners second floor bedroom with direct access to the first floor, for the owners.

Because of the denial of the events issue for the bed and breakfast, it is necessary to allow the additional suite on the second floor/southwest corner; and a fire exit from that unit.

Submitted By: *Dennis McCulley*  
La Mountain Trust, Dennis McCulley, Trustee

NEW STAIRS for  
 1970 'B' STREET  
 LINCOLN NEBRASKA  
 7/18/02



WEST ELEVATION

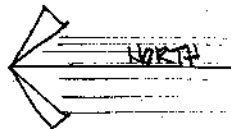
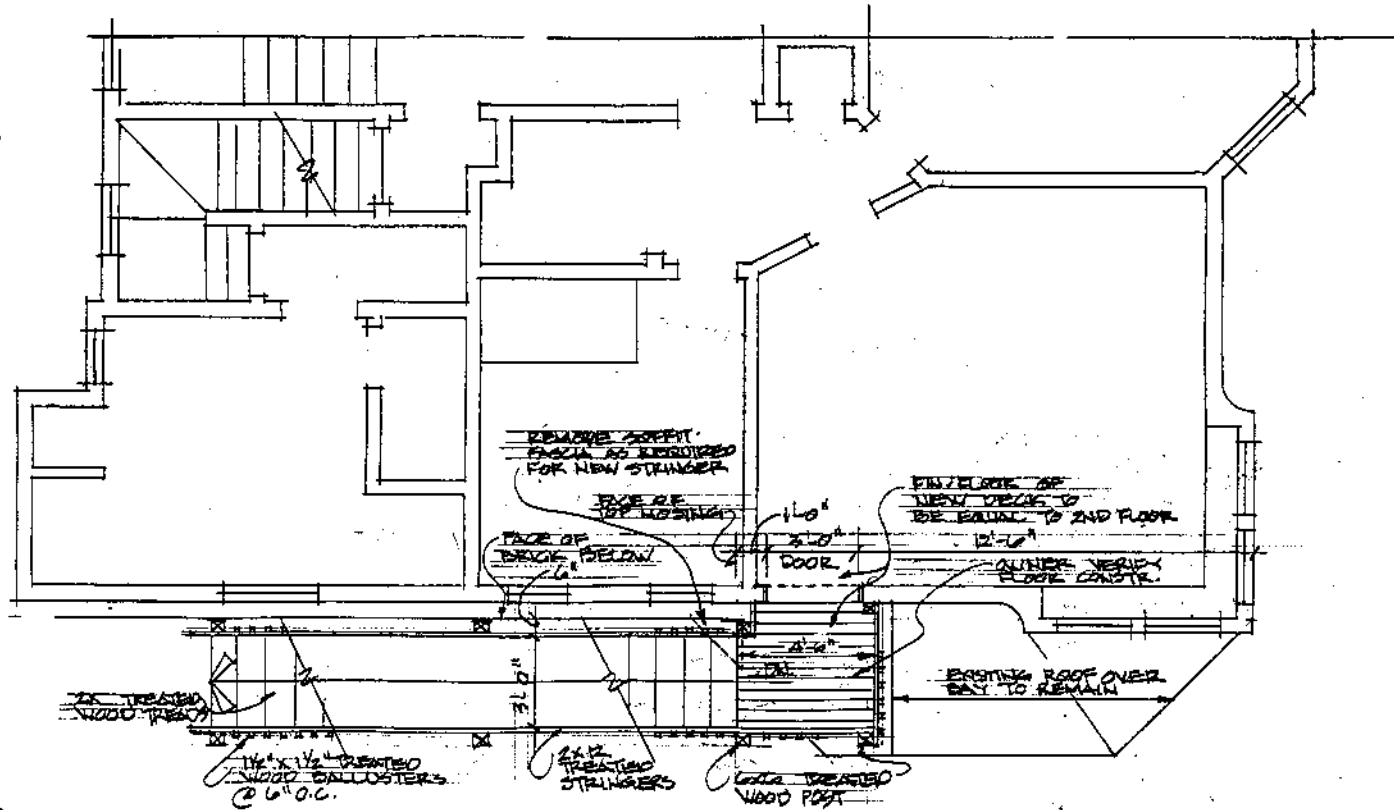
20TH STREET

N  
16

NEW STAIRS for  
1910 B STREET

LINCOLN, NEBRASKA

1/8/02



STAIR PLAN @ 2ND FLOOR

1/4" = 1'

011

B STREET



NEW STAR  
PERSPECTIVE  
B STREET VIEW NE  
1970 B STREET  
LINCOLN / NEBRASKA

7/18/02

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Ed Zimmer

**DATE:** 3/26/2002

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder  
Jerry Hood

**ATTENTION:**

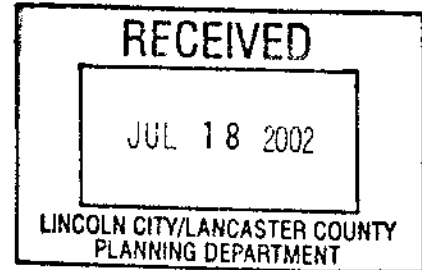
**DEPARTMENT:** Health

**CARBONS TO:** Bruce Dart, Director  
EH File  
EH Administration

**SUBJECT:** Joseph Grainger House  
SP #1966 72 HP

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the requested special permit with the following noted:

- In the accompanying documentation, the application does mention that some minor remodeling will take place. If any building materials are disturbed during this process, i.e. drywall, ceiling spray-on, thermal insulation, plaster, etc., the Environmental Protection Agency's (EPA) National Emission Standards for Hazardous Air Pollutants (NESHAP) requires that an Asbestos survey must be conducted and a notification of renovation submitted ten days prior to the start of renovation to Harry LeDuc, LLCHD, 3140 'N' Street, Lincoln, NE 68510-1514. Mr. LeDuc can be contacted at 441-8034.
- According to the Food Section of the LLCHD, there are no food regulations that are applicable to Bed and Breakfast facilities.



July 18, 2002

Robert Ripley, Chairperson  
Lincoln Historic Preservation Commission  
555 S. 10<sup>th</sup>  
Lincoln, NE 68508

RE: Application for Bed & Breakfast at 1970 B St.

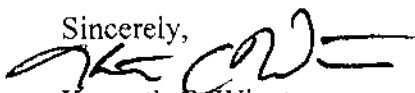
Dear Mr. Ripley:

I am writing you and the members of the Historic Preservation Commission on behalf of the Near South Neighborhood Association regarding the application by Dennis and Glenda McCulley to establish a Bed and Breakfast at 1970 B Street. Mr. McCulley made a presentation regarding their plans at the July 8, 2002 meeting of the board of the Near South Neighborhood Association. In my letter of June 20, 2002, I indicated that the Neighborhood Association would support the McCulley's proposal for a three-unit bed and breakfast, no events, and a sign on the gate. It is my understanding that Mr. McCulley has since modified his proposal to a two-unit bed and breakfast. If that proposal also specifies no events and a small tasteful sign in keeping with the character of the house and the neighborhood, as indicated in my letter of June 20, 2002, I would anticipate that our board would support this proposal not only before the Historic Preservation Commission, but before the Planning Commission and the City Council as well. We would ask that any further design changes be dealt with at a later date.

At the July 8, 2002 meeting, Mr. McCulley presented a rough drawing of a proposed fire escape and asked the Neighborhood Association to take a position on this issue. Although the board did not take a position on this issue, the general consensus was in opposition to alterations of the exterior of the building that might impact its historic character. However, if Building and Safety deems a fire escape necessary, we would request that any structure be consistent with the recommendations of this commission for preservation of the appearance and historic character of this house.

Your thoughtful consideration of this matter is appreciated.

Sincerely,



Kenneth C. Winston  
Issues Vice President